

**SENATE COMMITTEE SUBSTITUTE FOR**

**SENATE CONCURRENT RESOLUTION NO. 41**

**WHEREAS**, the United States Fish and Wildlife Service has mandated that the United States Army Corps of Engineers implement a plan for operating the Missouri River that calls for a "spring rise" and a "summer low flow." This plan would result in an increase in the flow of the Missouri River in the spring when the risk of flooding of bottomland farms is already high. The plan also would result in a reduction of the flow of the Missouri River in the summer of each year, thereby negatively affecting farmers, utilities, and businesses from Omaha to the Gulf of Mexico, purportedly to improve habitat for the pallid sturgeon, an endangered fish; and

**WHEREAS**, the United States Fish and Wildlife Service has dictated these controversial flow changes primarily to benefit only a short segment of the Missouri River where pallid sturgeon have not even been found in six years of sampling; and

**WHEREAS**, analyses have shown that low river flows could actually degrade habitat important to the pallid sturgeon in segments of the lower Missouri and Mississippi Rivers where pallid sturgeon have been found in recent years; and

**WHEREAS**, in the summer months of 2002 and 2003, record low flows on the Missouri River increased transportation costs for Missouri farmers by halting navigation, increased power plant cooling costs for private utilities, increased drinking water treatment costs for public utilities across the state of Missouri, and caused water quality violations with the temperature in the Missouri River exceeding 90 degrees. Despite the economic harm already experienced by Missourians, the United States Fish and Wildlife Service has unilaterally mandated summer low flows during the next two years that are virtually identical to those experienced in 2002 and 2003; and

**WHEREAS**, while the United States Fish and Wildlife Service has failed to provide sufficient scientific evidence that proves that their mandated "spring rise" and "summer low flow" will improve habitat for the pallid sturgeon, analysis has shown that their proposal will increase the risk of flooding bottomland farms along the Missouri River, will result in economic harm to public and private utilities, and will risk the jobs of those who rely on the Missouri and Mississippi Rivers for their livelihoods; and

**WHEREAS**, the so-called "drought conservation measures" under consideration by the United States Army Corps of Engineers for inclusion in the Missouri River Master Manual would take away usable water from Missourians by shifting the storage of more water to upstream reservoirs while decreasing the amount of water available for other designated downstream uses; and

**WHEREAS**, the Missouri River contributes up to 65 percent of the Mississippi River flow at St. Louis during low-water conditions; and

**WHEREAS**, reduction of Missouri River flows would result in more frequent and more costly impediments to commerce on the Mississippi River where more than 120 million tons of cargo, which includes 60 percent of the nation's grain harvest, is shipped annually past St. Louis.

**WHEREAS**, the United States Eighth Circuit Court of Appeals recently affirmed that the dominant functions of the Missouri River Reservoir System are flood control and navigation, with recreation and other interests being secondary uses:

**NOW, THEREFORE, BE IT RESOLVED** that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby respectfully request that the President of the United States direct the United States Fish and Wildlife Service and the United States Army Corps of Engineers to develop a plan for operating the Missouri River Reservoir System that will not increase the risk of flooding for bottomland farmers and will not harm the economy of the Midwestern states by failing to provide adequate flows to meet all designated downstream uses on the Missouri and Mississippi Rivers; and

**BE IT FURTHER RESOLVED** that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, each member of the Missouri Congressional Delegation, the United States Fish and Wildlife

Service, and the United States Army Corps of Engineers.

**Terry L. Spieler, Secretary of the Senate, and Stephen S. Davis, Chief Clerk of the House,** do hereby certify that the aforementioned is a true and correct copy of Senate Concurrent Resolution No. 41, adopted by the Senate on March 9, 2004, and concurred in by the House on March 11, 2004.

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Resolution  
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